

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

C. C. MENNEN, et al.,

Plaintiffs,

v.

Case No. 08-C-765

CITY OF GREEN BAY, et al.,

Defendants.

ORDER

Plaintiffs have filed an amended complaint. The amended complaint will be ordered stricken. First, the amended complaint does not comply with Fed. R. Civ. P. 15(a)(2), which provides that “a party may amend its pleading only with the opposing party’s written consent or the court’s leave.” Leave or consent was not obtained here, despite the rule just cited and the instruction found in the scheduling order in this case requiring parties seeking to amend pleadings to consult with the opposing party. (Dkt. # 14 at 5(b).)

Second, even if leave to amend had been requested, the amended complaint is improper. It is obvious that Plaintiffs believe this Court was in error in denying several of their motions, but the proper recourse for that is to appeal (following entry of judgment). Instead, Plaintiffs have attempted to sue me for various violations of the Constitution arising out of my denial of their motions. This is an improper attempt to circumvent the judicial process. I further note that the tone of the amended complaint is inappropriate for filing in a federal tribunal. It essentially accuses the undersigned of an inability to comprehend the Plaintiffs’ filings and of being part of some

obstructionist effort to trample the Plaintiffs' constitutional rights. Rule 11 and the inherent power possessed by federal courts allows imposition of sanctions in circumstances like these, and the available sanctions include monetary fines and dismissal of the action. Plaintiffs were already cautioned to "cease filing frivolous and unintelligible papers in this court," and so this constitutes their second warning.

The amended complaint is hereby stricken. Plaintiffs are placed on notice that future filings deemed to violate the rules of decorum or Rule 11(b) will result in sanctions that could include dismissal of the entire action.

SO ORDERED this 30th day of January, 2009.

s/ William C. Griesbach
William C. Griesbach
United States District Judge